

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL NO. 1:06-CR-0199-15
	:	
v.	:	(Judge Conner)
	:	
HARRY DELGADO,	:	
	:	

ORDER

AND NOW, this 11th day of January, 2008, upon consideration of the government's motion (Doc. 600) for postponement of the ancillary hearing on the petition (Docs. 591, 592) asserting third-party interests in property seized from the above-named defendant, and it appearing that the government wishes to conduct discovery into the alleged interests, and it further appearing that the government must request leave to do so, see FED. R. CRIM. P. 32.2(c)(1)(B) ("[T]he court may permit the parties to conduct discovery . . . if the court determines that discovery is necessary or desirable to resolve factual issues."); see also (Doc. 571 (stating that discovery in the instant proceeding may proceed upon a showing that it is necessary or desirable to resolve issues of fact)), it is hereby ORDERED that:

1. The government's motion (Doc. 600) for postponement of the ancillary hearing on the third-party petition is GRANTED so that the government may request leave to conduct discovery.¹ The ancillary hearing scheduled for 10:00 a.m. on Monday, January 14, 2008 is CONTINUED pending the filing of a motion by the government for leave to conduct discovery.

¹Continuing the hearing is "consistent with the interests of justice" because it will allow the court to consider whether discovery is necessary to fully and fairly adjudicate the alleged third-party interests in the seized property. 21 U.S.C. § 853(n)(4) (stating that a hearing on the third party petition should, if practicable, be held within thirty days unless the interests of justice warrant further delay).

2. The government may file, on or before January 25, 2008, a motion for leave to conduct discovery together with a brief in support thereof. See FED. R. CRIM. P. 32.2(c)(1)(B).
3. The third-party claimant may file, on or before February 11, 2008, a brief in opposition to any such motion.
4. The government may file, on or before February 21, 2008, a brief in reply to any such response.
5. The hearing on the third-party petition may be rescheduled by future order of court upon conclusion of briefing.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge